

# MANDATE

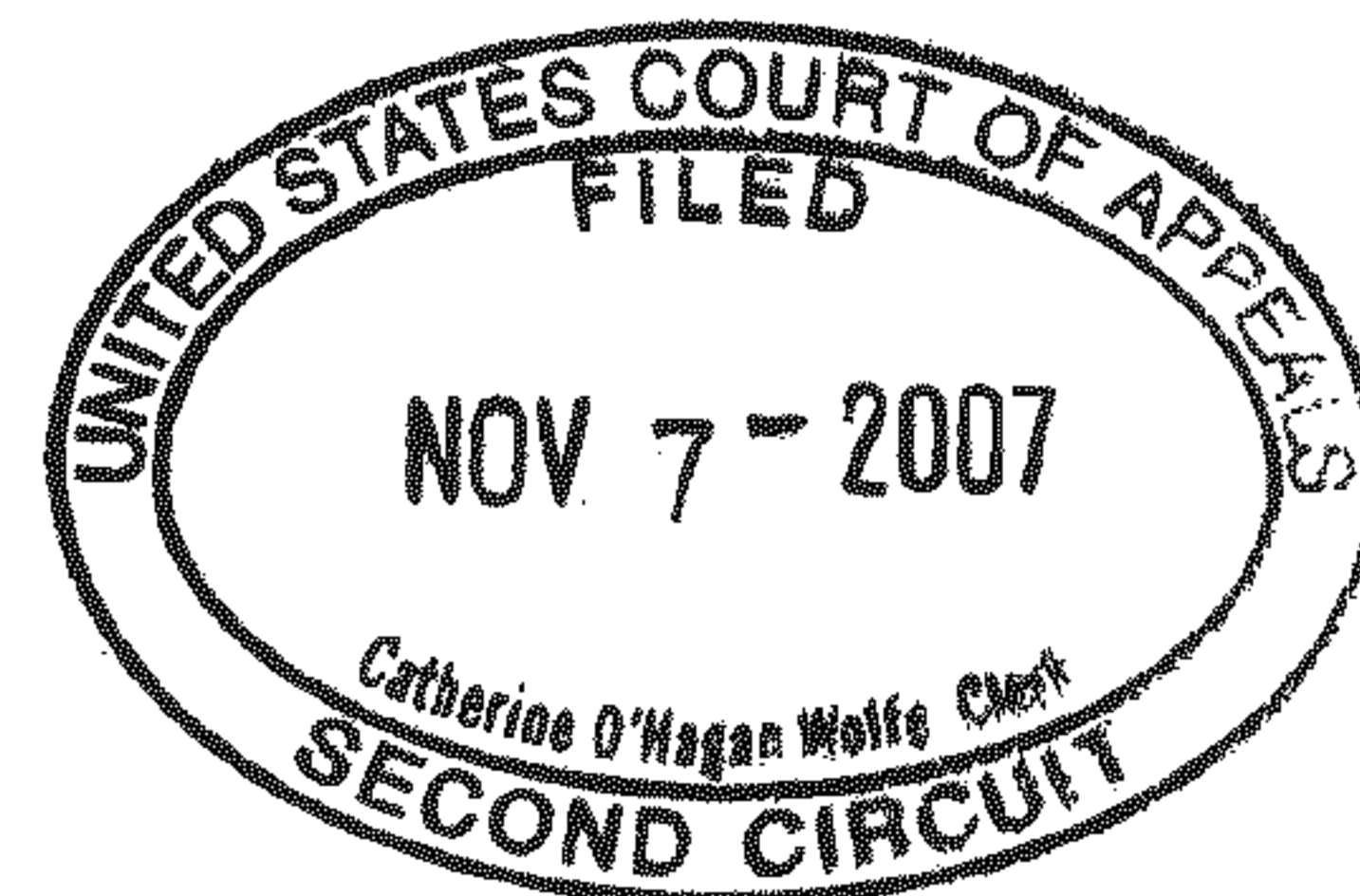
S.D.N.Y.  
07-cv-7242  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of November, two thousand seven,

Present:

Hon. Rosemary S. Pooler,  
Hon. Reena Raggi,  
*Circuit Judges,*  
Hon. Paul A. Crotty,\*  
*District Judge.*



Demark Dixon,

*Petitioner,*

v.

07-3612-op  
07-4215-pr

Warden J.M. Killian,

*Respondent.*

We previously issued an order dismissing the proceedings docketed under 07-3612-op and 07-4215-pr. However, prior to the issuance of that order, petitioner filed motions under docket number 07-4215-pr for *in forma pauperis* status, appointment of counsel, and a certificate of appealability. Upon due consideration, it is hereby ORDERED that the motions are DISMISSED as moot because we lack appellate jurisdiction over the transfer order that is the subject of that appeal. *See Murphy v. Reid*, 332 F.3d 82, 83-85 (2d Cir. 2003) (holding that transfer orders are not immediately appealable under 28 U.S.C. § 1291 or the collateral order doctrine). Furthermore, even if the

\*The Honorable Paul A. Crotty, of the United States District Court for the Southern District of New York, sitting by designation.

ISSUED AS MANDATE:

MAY 9 2008



motions are deemed to have been filed in the proceeding docketed under 07-3612-op, they do not alter the result of that proceeding.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

By: Yucille Carr

NOV 7 2007

A TRUE COPY  
Catherine O'Hagan Wolfe, Clerk  
by E. Joann Montu  
DEPUTY CLERK



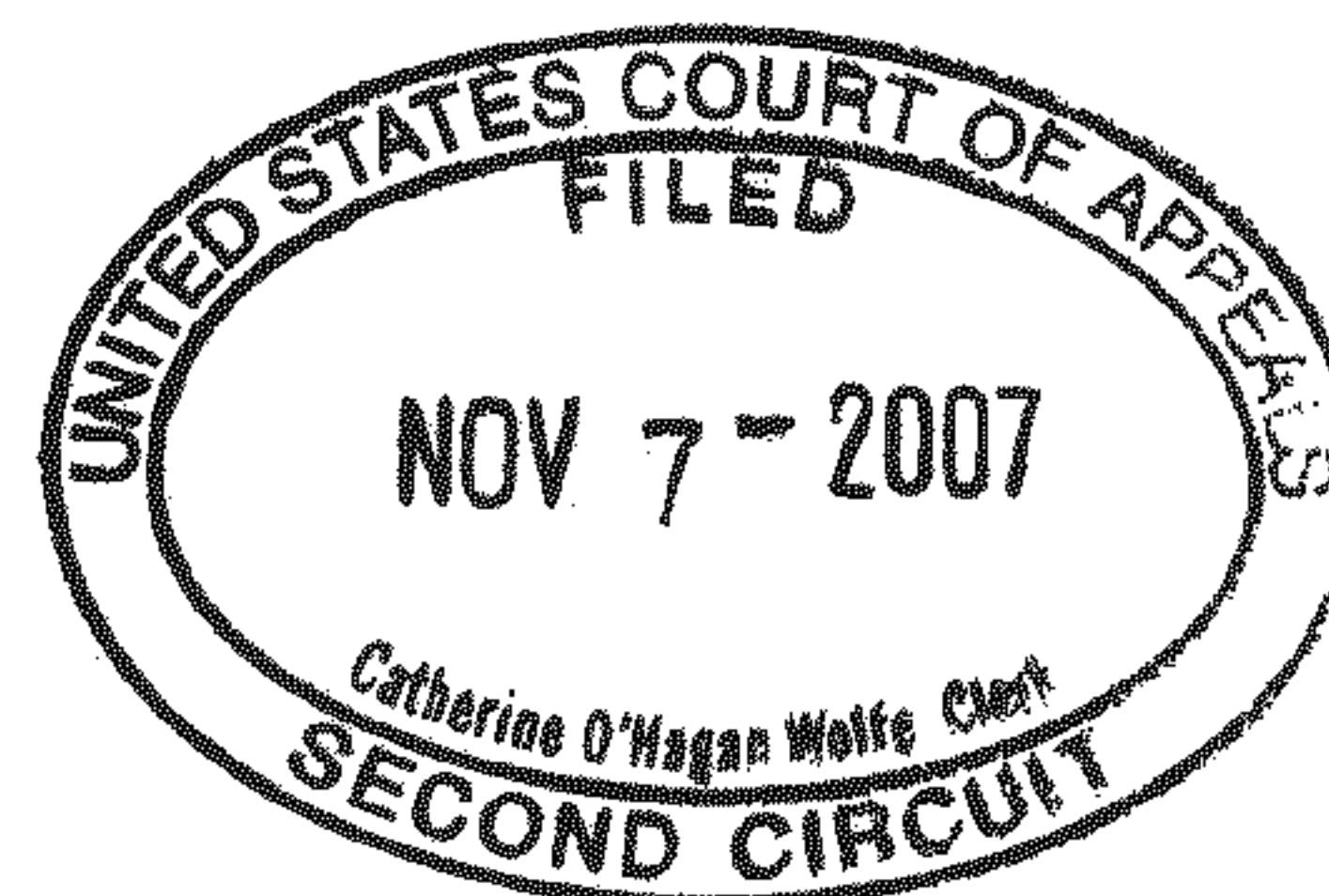
S.D.N.Y.  
07-cv-7242  
Wood, C.J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of November, two thousand seven,

Present:

Hon. Rosemary S. Pooler,  
Hon. Reena Raggi,  
*Circuit Judges,*  
Hon. Paul A. Crotty,\*  
*District Judge.*



Demark Dixon,

*Petitioner,*

v.

07-3612-op  
07-4215-pr

Warden J.M. Killian,

*Respondent.*

We previously issued an order dismissing the proceedings docketed under 07-3612-op and 07-4215-pr. However, prior to the issuance of that order, petitioner filed motions under docket number 07-4215-pr for *in forma pauperis* status, appointment of counsel, and a certificate of appealability. Upon due consideration, it is hereby ORDERED that the motions are DISMISSED as moot because we lack appellate jurisdiction over the transfer order that is the subject of that appeal. *See Murphy v. Reid*, 332 F.3d 82, 83-85 (2d Cir. 2003) (holding that transfer orders are not immediately appealable under 28 U.S.C. § 1291 or the collateral order doctrine). Furthermore, even if the

THE MANDATE, CONSISTING OF  
ITEMS BELOW, HAS BEEN RECEIVED  
( ) OPINION ( ) STATEMENT OF COSTS  
( ) ORDER  
RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

\*The Honorable Paul A. Crotty, of the United States District Court for the Southern District of New York, sitting by designation.



motions are deemed to have been filed in the proceeding docketed under 07-3612-op, they do not alter the result of that proceeding.

FOR THE COURT:  
Catherine O'Hagan Wolfe, Clerk

NOV 7 2007

By: Yuille Carr